

S. B. No. 90 was reported favorably with an amendment.

NOEL K. BROWN,
Secretary.

Minutes of Committee on Educational Affairs, Held February 1, 1935—
Regular Meeting.

Present: Senators Duggan, DeBerry, Hopkins, Hornsby, Neal, Pace, Poage, and Regan.

Absent: Senators Burns, Cotten, Small, Woodruff.

S. B. No. 86 was reported favorably by a viva voce vote.

JUANITA WILES,
Secretary.

Minutes of Committee on Financial Affairs, February 4, 1935—
Regular Meeting.

Present: Redditt, Beck, Burns, Duggan, Hill, Holbrook, Hopkins, Hornsby, Hughston, Martin, Neal, Oneal, Poage, Rawlings, Sanderford, Stone, Van Zandt.

Absent, excused: Regan, Small, Sulak, Woodruff.

NOEL K. BROWN,
Secretary.

TWENTIETH DAY.

Senate Chamber,
Austin, Texas,
February 5, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Moore.
Blackert.	Neal.
Burns.	Oncal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
DeBerry.	Redditt.
Duggan.	Sanderford.
Fellbaum.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Westerfeld.
Hughston.	Woodruff.
Martin.	

Absent—Excused.

Regan. Van Zandt.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Burns.

Committee Reports.

(See Appendix.)

Senators Excused.

Senator Regan was excused for the day on account of important business on motion of Senator Fellbaum. Senator Van Zandt was excused on account of important business on motion of Senator Cotten.

At Ease.

The Senate, at 10:08, stood at ease subject to the call of the Chair.

Called to Order.

The Chair called the Senate to order at 10:20 o'clock a. m.

Presentation.

Senator Davis asked recognition for Rev. W. H. Doss, Chaplain of the Senate.

Recognition was granted and Rev. Doss in a brief speech presented a gift to Senator and Mrs. Woodruff on behalf of the officers of the Senate.

The Chair appointed Senators Davis, Stone and Collie to escort Senator and Mrs. Woodruff to the platform.

The Lieutenant Governor, Walter F. Woodul, presented Senator Woodruff who in turn presented Mrs. Woodruff.

Senator and Mrs. Woodruff expressed their appreciation in brief speeches.

Bills and Resolutions.

Senate Bill No. 236.

By Senator Pace:

S. B. No. 236, A bill to be entitled "An Act amending Article 6049c, Sections 10 and 11 of the Revised Civil Statutes of 1925, as amended by the Acts of 1931, Forty-second Legislature, First Called Session, page 46, Chapter 26, relating to injunctions and/or restraining orders to be issued against the Railroad Commission of Texas; repealing all laws or parts of laws in conflict; and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 237.

By Senator Pace:

S. B. No. 237, A bill to be entitled "An Act providing that the Supreme Court of the State of Texas shall have original jurisdiction in the matter of issuing the writ of mandamus or any other mandatory or compulsory writ or process to compel the performance by any judge of a district court, in this State, of any duty imposed upon him or them, respectively, by the Constitution and laws of this State; and more particularly in the matters involving injunction or restraining proceedings wherein said district court has not been given specific original jurisdiction by the Constitution and laws of this State; providing that this Act shall be cumulative of all other laws affecting its subject-matter; and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 238.

By Senator Neal:

S. B. No. 238, A bill to be entitled "An Act to amend and amending Article 2968, Revised Civil Statutes of Texas, 1925, as amended by Chapter 26 of the Fifth Called Session of the Forty-first Legislature and to provide for and to require the issuance of certificates of exemption without cost to all qualified voters not subject to the payment of a poll tax and providing the form thereof and the character of record to be made and kept by the tax collector and providing for the cancellation and reissue or indorsement thereof when the voter moves from one county to another and for the reissue in the event of loss of such certificate and to require the entry of the names of persons to whom such certificates are issued on the list of legal voters and declaring an emergency."

Read and referred to the Committee on Privileges and Elections.

Senate Bill No. 239.

By Senator Neal:

S. B. No. 239, A bill to be entitled "An Act to amend Article 2956, Revised Civil Statutes of 1925, as amended by Chapter 4 of the Acts of the Regular Session of the Forty-

third Legislature, relating to absentee voting at elections, to repeal all laws in conflict herewith, to provide penalties for violation hereof, and to declare an emergency."

Read and referred to the Committee on Privileges and Elections.

S. J. R. No. 19.

Senator Oneal sent up the following resolution:

S. J. R. No. 19, A joint resolution Proposing amendment to Section 2 of Article 5 of the Constitution of the State of Texas, so as to provide that the Supreme Court shall consist of a Chief Justice and eight Associate Justices with power to call in not more than six Court of Civil Appeals Judges or district court judges to assist in the work of the Supreme Court if the docket of said court should at any time become congested; to provide the means of electing said judges to said Supreme Court, a quorum therein, the number of judges sitting at any one time and their terms of office; and proposing an amendment to Article 5 of the Constitution of the State of Texas, by adding thereto another section to be known as Section 6-a, to give the members of the Court of Civil Appeals, when a member of that court has been called to assist in the work of the Supreme Court, the power to call a district judge from that Supreme Judicial District to take the place of the member of the Court of Civil Appeals while he is serving on the Supreme Court.

ONEAL.

Read and referred to the Committee on Constitutional Amendments.

Advanced Printing.

Senator Oneal asked unanimous consent that advanced printing be had on S. J. R. No. 19.

Unanimous consent was granted.

Motion for Executive Session.

Senator Oneal asked unanimous consent that an executive session be held Wednesday at 11 o'clock a. m. to consider Governor's nomination. Unanimous consent was granted.

H. C. R. No. 21.

Senator Redditt called up H. C. R. No. 21.

Requesting the Interscholastic

League of Texas to include in the subject-matter of declamations and essays the lives and deeds of all heroes of the Southern Confederacy and of the State of Texas.

Senator Redditt moved the adoption of H. C. R. No. 21.

The motion prevailed by viva voce vote.

House Bill No. 197.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 197, A bill to be entitled "An Act to promote and make practical the conservation and timely utilization of the natural resources of the State in compliance with the intent and command of Section 59 of Article XVI of the Constitution; etc., and declaring an emergency."

Motion to Lay on Table.

Senator Oneal moved to lay S. B. No. 197 on the table subject to call.

The motion prevailed by viva voce vote.

Senate Bill No. 154.

On motion of Senator Stone and by an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the passage of general bills during the first 40 days of the session was suspended and consent was granted to take up and consider S. B. No. 154 by the following vote:

Yeas—26.

Beck.	Moore.
Blackert.	Neal.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Hughston.	Westerfeld.

Present—Not Voting.

DeBerry.

Absent.

Martin. Woodruff.

Absent—Excused.

Regan. Van Zandt.

By Senators Stone and Poage:

S. B. No. 154, A bill to be entitled "An Act amending Sections 3, 4, 6, 9, and 12 of Chapter 13, Acts of the Second Called Session of the Forty-first Legislature, creating the Brazos River Conservation and Reclamation District under the authority of Section 59 of Article 16, of the Constitution of Texas and defining powers and duties of said district; and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The committee amendments were adopted.

The bill was read second time as amended and passed to engrossment by viva voce vote.

On motion of Senator Stone, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 154 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Moore.
Blackert.	Neal.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
DeBerry.	Redditt.
Duggan.	Sanderford.
Fellbaum.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Westerfeld.
Hughston.	Woodruff.
Martin.	.

Absent—Excused.

Regan. Van Zandt.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Hughston.
Blackert.	Martin.
Burns.	Moore.
Collie.	Neal.
Cotten.	Oneal.
Davis.	Pace.
Duggan.	Poage.
Fellbaum.	Rawlings.
Hill.	Redditt.
Hornsby.	Sanderford.
Holbrook.	Small.
Hopkins.	Shivers.

Stone. Westerfeld.
Sulak. Woodruff.

Nays—1.

DeBerry.

Absent—Excused.

Regan. Van Zandt.

Senate Bill No. 118.

On motion of Senator Small and by an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the passage of general bills during the first 40 days of the session was suspended and consent was granted to take up and consider S. B. No. 118 by the following vote:

Yeas—28.

Beck.	Martin.
Blackert.	Moore.
Burns.	Neal.
Collie.	Oneal.
Cotten.	Pace.
Davis.	Rawlings.
DeBerry.	Redditt.
Duggan.	Sanderford.
Fellbaum.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Westerfeld.
Hughston.	Woodruff.

Nays—1.

Poage.

Absent—Excused.

Regan. Van Zandt.

S. B. No. 118, A bill to be entitled "An Act to amend Section 4, S. B. No. 9, Chapter 5, Acts Second Called Session, Forty-third Legislature, and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 118 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Burns.
Blackert.	Collie.

Cotten.	Oneal.
Davis.	Pace.
DeBerry.	Poage.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Hughston.	Sulak.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Regan. Van Zandt.

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Moore.
Blackert.	Neal.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Sanderford.
Fellbaum.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Hughston.	Westerfeld.
Martin.	Woodruff.

Nays—3.

DeBerry.	Poage.
Hill.	

Absent—Excused.

Regan. Van Zandt.

Bill and Resolution Referred.

H. C. R. No. 28 referred to the Committee on Educational Affairs.

H. B. No. 346 referred to the Committee on Educational Affairs.

Bills Signed.

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

S. B. No. 81.	S. C. R. No. 9.
H. C. R. No. 25.	S. C. R. No. 11.
H. B. No. 172.	S. C. R. No. 12.

Message from the House.

The Chair recognized the Door-keeper, who introduced a messenger

from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Feb. 5, 1935.
Hon. Walter F. Woodul, President
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

H. B. No. 346, A bill to be entitled "An Act repealing Chapter 317, Forty-second Legislature, Regular Session, as amended by Chapter 36, Forty-third Legislature, Regular Session, insofar as same may apply to the San Antonio Independent School District in Bexar County, Texas, and declaring an emergency."

H. C. R. No. 28, Commending the State Board of Education and others for having Texas history taught in the high schools of this State.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Message from the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

Executive Office,
Austin, Texas, Feb. 5, 1935.
To the Senate of the Forty-fourth
Legislature:

I ask the advice and consent of the Senate to the following nominations:

To be Regents of Texas State College for Women (College of Industrial Arts at Denton, Texas):

Mrs. W. E. Spell, of McLennan County (reappointment).

Mrs. H. F. Ring, of Harris County (reappointment).

Mrs. James Monroe Charlton, of Bexar County.

To be a Member of the Board of Regents of the University of Texas:

George D. Morgan, Tom Green County, San Angelo, Texas, to succeed Charles I. Francis.

To be a Member of the Board of Regents of State Teachers' Colleges:

J. E. Josey of Harris County (reappointment).

To be Judge of the District Court of Dallas County, for the Fourteenth Judicial District:

Mrs. Sarah T. Hughes, of Dallas County.

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

Read and referred to the Committee on Governor's Nominations.

Statement of Public Hearing.

Senator Moore made a statement with reference to S. B. No. 25 which had been set for public hearing before the State Affairs Committee at 2 o'clock p. m. today, that a similar bill had been killed in the House and because he could not change his bill to meet the situation without destroying its effect, there will be no need for a public hearing or further consideration of said S. B. No. 25.

Senate Bill No. 1

Advanced Printing Ordered.

The undersigned members of the Senate request advance printing on Senate Bill No. 1, known as "Centennial Bill."

WESTERFELD,
ONEAL,
PACE.

Senate Bill No. 157.

On motion of Senator Woodruff and by an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the passage of general bills during the first 40 days of the session was suspended and consent was granted to take up and consider S. B. No. 157 by the following vote:

Yeas—29.

Beck.	Moore.
Blackert.	Neal.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
DeBerry.	Redditt.
Duggan.	Sanderford.
Fellbaum.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Westerfeld.
Hughston.	Woodruff.
Martin.	

Absent—Excused.

Regan.	Van Zandt.
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By Senator Woodruff:

S. B. No. 157, A bill to be entitled "An Act amending Articles 2725, and 2746a of the Revised Civil Statutes of Texas, 1925, providing for elections in certain school districts, and for the payment of the expenses thereof, and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Woodruff, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 157 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Moore.
Blackert.	Neal.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
DeBerry.	Redditt.
Duggan.	Sanderford.
Fellbaum.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Westerfeld.
Hughston.	Woodruff.
Martin.	

Absent—Excused.

Regan. Van Zandt.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Moore.
Blackert.	Neal.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
DeBerry.	Redditt.
Fellbaum.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Hughston.	Westerfeld.
Martin.	Woodruff.

Nays—1.

Duggan.

Absent—Excused.

Regan.

Van Zandt.

Adjournment.

On motion of Senator Woodruff, the Senate, at 11:35 o'clock a. m., adjourned until 10 o'clock a. m. Wednesday.

APPENDIX.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, Feb. 1, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 12 carefully examined and compared and find same correctly enrolled.
POAGE, Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 81 carefully examined and compared and find same correctly enrolled.
POAGE, Chairman.

Committee Room,
Austin, Texas, Feb. 4, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 11 carefully examined and compared and find same correctly enrolled.
POAGE, Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. C. R. No. 9 carefully examined and compared and find same correctly enrolled.
POAGE, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Jan. 31, 1935.
Hon. K. M. Regan, President Pro Tem. of the Senate.

Sir: We, your Committee on Federal Relations, to whom was referred S. C. R. No. 6, "A resolution memorializing Congress of the United

States to support a plan for the immediate cash payment of ex-service men's adjusted certificates during the present session of Congress."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WESTERFELD,
BURNS,
DAVIS.

Committee Room,

Austin, Texas, Feb. 4, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 80, A bill to be entitled "An Act to provide for attendance of rural pupils or of other pupils in high schools at the expense of their home districts and of the State; for certification of eligibility of pupils and districts for tuition privileges in the high schools; for transfer of pupils to high schools and payment of tuition of such pupils; authorizing boards of trustees to fix tuition and prescribing maximum tuition to be charged by receiving high schools; providing for reports to State Department of Education and issuance of warrants for tuition, and for payment of tuition by sending districts and the State; for withholding funds of districts refusing to comply with forms required by State Department of Education and authorizing State Superintendent of Public Instruction to pay to receiving school delinquent districts transfer obligations; repealing all laws and parts of laws in conflict herewith; declaring the rule in event any part of this Act is unconstitutional or invalid; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment.

DUGGAN, Chairman.

Committee Amendment No. 1.

Amend Section 7, S. B. No. 80, by inserting the following:

Upon the approval by the State Department of Education of such report, the State Superintendent of Public Instruction shall issue war-

rants semi-annually directly to the receiving high school for payment of the tuition due; etc.

Committee Room,

Austin, Texas, Feb. 4, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. C. R. No. 21, "That the Inter-scholastic League of Texas be, and it is hereby respectfully requested to include in the subject matter of the declamations and essays to be sponsored and held by it in the public schools of Texas the lives and deeds of all heroes of the Southern Confederacy and of the State of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

DUGGAN, Chairman.

Committee Room,

Austin, Texas, Feb. 4, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 219, A bill to be entitled "An Act amending Chapter 130, Acts Regular Session, Forty-third Legislature, as heretofore amended by adding thereto two sections; one to be known as Section 1-a, to provide for the issuance of revenue bonds by independent, consolidated and common school districts and by cities and towns which have assumed control of the public schools within their boundaries, for the purpose of building additions to existing gymnasias, stadia and other recreational facilities owned by the same, and purchasing additional buildings and grounds for the purpose of constructing additions to existing gymnasias, stadia and other recreational facilities; and another section to be known as Section 3-a, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

DUGGAN, Chairman.